

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

James Williams
DBA Williams Removal Service
DBA 1-800-GOT-JUNK
4475 Vineland Ave, Suite #22
Toluca Lake, California 91602

ID No. CFI000000074

Respondent.

Docket HWCA 2008 1794

CONSENT ORDER

Health and Safety Code
Section 25187

1. INTRODUCTION

1.1. Parties. The California Department of Toxic Substances Control (Department) and James Williams DBA Williams Removal Service DBA 1-800-GOT-JUNK (Respondent) enter into this Consent Order (Order) and agree as follows:

1.2. Site. Respondent collects and transports electronic waste.

1.3. Inspection. The Department inspected the Respondent on April 9 of 2008.

1.4. Authorization Status. The Department authorized Respondent to be a handler/collector of electronic waste, such as cathode ray tube (CRT) material pursuant to section 66273.82 of title 22, California Code of Regulations.

1.5. Jurisdiction. Health and Safety Code, section 25187, authorizes the Department to order action necessary to correct violations and to assess a penalty when the Department determines that any person has violated specified provisions of the Health and Safety Code or any permit, rule, regulation, standard, or requirement

issued or adopted pursuant thereto.

1.6. Full Settlement. This Order shall constitute full settlement of the violations alleged below. The Parties, and each of them, agree that this Order, and all of the terms contained herein, are fair, reasonable, and in the public interest. By agreeing to this Order, the Department does not waive any right to take other enforcement actions except as specifically provided in this Order.

1.7. Hearing. Respondent waives any and all rights to a hearing in this matter.

2. VIOLATIONS ALLEGED

2.1. The Department alleges the following violations:

2.2. The Respondent violated California Code of Regulations, title 22, section 66273.83, subsection (a) (1), in that Respondent failed to contain CRT materials in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the container.

2.3. The Respondent violated California Code of Regulations, title 22, section 66273.82, subsection (b), in that the Respondent failed to submit an annual report to Department by February 1, 2008.

2.4. The Respondent violated California Code of Regulations, title 22, section 66273.86, subsections (a), (b) and (c), in that the Respondent failed to inform all employees who handle or have responsibility for managing CRT material of the proper handling and emergency procedures; failed to provide specified initial training; and failed to provide annual review of the initial training.

2.5. The Respondent violated California Code of Regulations, title 22, section 66273.16, in that the Respondent failed to inform all employees who handle or have

responsibility for managing Universal Waste material of the proper handling and emergency procedures; failed to provide specified initial training; and failed to provide annual review of the initial training.

3. SCHEDULE FOR COMPLIANCE

3.1. The Respondent has corrected the violations cited above. The Respondent shall operate hereafter in a manner that shall prevent recurrences of the violations cited herein.

3.2. Respondent shall make all payments at the time(s) and in accord with any other conditions set forth in Section 5 (Penalty) below.

4. OTHER PROVISIONS

4.1. Liability. Nothing in this Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of Respondent, except as provided in this Order. Notwithstanding compliance with the terms of this Order, Respondent may be required to take such further actions as are necessary to protect public health or welfare or the environment.

4.2. Penalties for Noncompliance. Failure to comply with the terms of this Order may subject Respondent to costs, penalties and/or damages, as provided by Health and Safety Code, section 25188, and other applicable provisions of law.

4.3. Parties Bound. This Order shall apply to and be binding upon Respondent and its officers, directors, agents, employees, contractors, consultants, receivers, trustees, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations, and upon the Department and any successor

agency that may have responsibility for and jurisdiction over the subject matter of this Order.

4.4. Integration. This agreement constitutes the entire agreement between the parties and may not be amended, supplemented, or modified, except as provided in this Order.

5. PAYMENTS

5.1. Respondent shall pay the Department a total penalty of \$1,000.00. The payment of \$1,000.00 is due and payable within 30 days from the effective date of this Order. Respondent's check shall be made payable to Department of Toxic Substances Control, and shall be delivered to:

Department of Toxic Substances Control
Accounting Office
1001 I Street, 21st floor
P. O. Box 806
Sacramento, California 95812-0806

A photocopy of the check shall be sent to:

Robert Kou, Unit Chief
Enforcement and Emergency Response Program
Department of Toxic Substances Control
9211 Oakdale Avenue
Chatsworth, California 91311

5.2. Respondent hereby agrees to send one employee to the California Compliance School, Modules I-IV. Attendance must be completed and Respondent must submit a Certificate of Satisfactory Completion issued by the California Compliance School to the Department of Toxic Substances Control within 185 days of the date of this Order. In recognition of this educational investment, the penalty imposed by this Order has been reduced by \$5,000.00 if the employee satisfactorily

completes the specified school and the Department receives the Certificates of Satisfactory Completion within 185 days of the effective date of this Order. If Respondent fails to submit the certificates as required, the penalty of \$5,000.00 is due and payable within 30 days after the 185-day period expires. The 185-day period may be extended by a Department Branch Chief upon a written request demonstrating good cause from Respondent.

6. EFFECTIVE DATE

6.1. The effective date of this Order is the date it is signed by the Department.

Dated: October 9, 2008

Original signed by James Williams
Respondent Signature

James Williams
Print Name of Respondent

Dated: October 16, 2008

Original signed by Robert Kou
Robert Kou, Unit Chief
Chatsworth Branch
Enforcement and Emergency Response
Program
Department of Toxic Substances Control